

**Frank**  
**Cardiello/R2/USEPA/US**  
09/06/2011 10:51 AM

To: dtoft, Isands  
cc  
bcc  
Subject: LCP Notice letter

Dennis and Laurie

See attached notice letter to Praxair, Inc. I sent the hard copy to an old address and it was returned. Frank



Notice Letter to Praxair.PDF



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

AUG 23 2011

Chief Executive Officer  
Praxair, Inc.  
39 Old Ridgebury Road  
Danbury, CT 06810-5113

Re: Notice of Potential Liability for the LCP Chemicals, Inc. Superfund Site located in Linden, Middlesex County, New Jersey

Dear Sir:

Under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), commonly known as the Federal "Superfund" law, the U.S. Environmental Protection Agency ("EPA") is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment. EPA documented the release of hazardous substances at the LCP Chemicals, Inc. Superfund Site ("the Site") located in Linden, New Jersey. That Site is now on the National Priorities List ("NPL") and EPA has been overseeing the performance of a Remedial Investigation and Feasibility Study at the Site which is being conducted by another potentially responsible party.

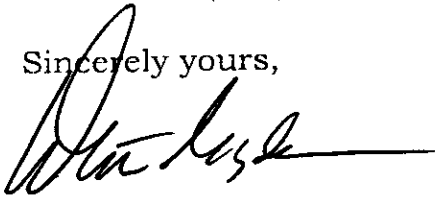
EPA has determined that Praxair, Inc., as the successor-in-interest to the Union Carbide Corporation, may be liable under CERCLA for costs EPA has incurred and will incur relating to this Site. More specifically, EPA believes that Praxair may be liable under one or more subsections of Section 107(a), 42 U.S.C. 9607(a), of CERCLA with respect to this Site.

**Explanation of Potential Liability**

Under CERCLA and other laws, responsible parties may be held liable for any costs incurred by the government in taking response actions at the Site. The costs may include, but need not be limited to, expenditures for investigation, planning, cleanup of the Site, and enforcement actions. Responsible parties may also be subject to orders requiring them to take response actions themselves. Responsible parties under CERCLA include, among others, the

regarding this letter, please contact Frank X. Cardello, Assistant Regional Counsel at (212) 637-3148.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Walter Mugdan", with a long horizontal flourish extending to the right.

Walter Mugdan  
Director  
Emergency and Remedial Response Division

cc: Richard G. Tisch, Esq. (c/o Praxair, Inc. Law Dept.)  
✓ Dennis Toft, Esq. (c/o Wolff & Samson)  
Attorney for ISP Environmental Services, Inc.

current and past owners and/or operators of a facility from which there has been a release or threatened release of hazardous substances, as well as persons who arranged for the transport for disposal or treatment of hazardous substances owned or possessed by such persons.

### Response Actions at the Site

At present, a Remedial Investigation/Feasibility Study ("RI/FS") is being performed by a company which EPA had previously informed was also potentially liable under CERCLA for this Site, i.e., ISP Environmental Services, Inc. Once that RI/FS is completed, EPA anticipates that a Record of Decision will be issued which will select the remedial action(s) required for the Site.

EPA encourages communication between you and the other potentially responsible party at the Site. A copy of this letter has been sent to counsel for ISP Environmental Services, Inc.

EPA will establish an Administrative Record that contains documents that serve as the basis for EPA's selection of a cleanup action for the Site. The Administrative Record will be located at the Linden Public Library, 31 East Henry Street, Linden, NJ 07036 and will be available to you and the public for inspection and comment. The Administrative Record will also be available for inspection and comment at the Superfund Records Center, EPA Region 2, 290 Broadway, New York, New York 10007-1866.

### Resources and Information for Small Businesses

As you may be aware, on January 11, 2002, the Superfund Small Business Liability Relief and Brownfields Revitalization Act was signed into law. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at <http://www.epa.gov/swerosps/bf/sblrbra.htm> and review EPA guidances regarding these exemptions at <http://www.epa.gov/compliance/resources/policies/cleanup/superfund>.

EPA has created a number of helpful resources for small businesses. EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at [www.epa.gov](http://www.epa.gov). In addition, the EPA Small Business Ombudsman may be contacted at [www.epa.gov/sbo](http://www.epa.gov/sbo). Finally, EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act, which is enclosed with this letter.

Please give these matters your immediate attention. If you have any questions